

Message Text

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TO AMEMBASSY GUATEMALA PRIORITY

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FOLLOWING MESSAGE SENT ACTION SECSTATE INFO SANTIAGO FROM USUN
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TAGS: UNGA, SHUM, CI

SUBJECT: THIRD COMMITTEE-CHILE RESOLUTION

1. TEXT OF CHILE RES, WITH LIST OF COSPONSORS, HAS FINALLY
BEEN ISSUED BY SECT. TEXT REPEATED BELOW. USUN COMMENTS
TO FOLLOW SEPTTEL.

QUOTE THE GENERAL ASSEMBLY,

CONSCIOUS OF ITS RESPONSIBILITY UNDER THE CHARTER OF THE
UNITED NATIONS TO PROMOTE AND ENCOURAGE RESPECT FOR
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL,

RECALLING THAT, IN ACCORDANCE WITH THE UNIVERSAL DECLARATION
OF HUMAN RIGHTS, EVERYONE HAS THE RIGHT TO LIFE, LIBERTY AND
SECURITY OF PERSON AND THE RIGHT NOT TO BE SUBJECTED TO
ARBITRARY ARREST, DETENTION OR EXILE OR TO TORTURE OR
CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT,

RECALLING THAT IN ITS RESOLUTION 3219 (XXIX) OF 6 NOVEMBER
1974, THE GENERAL ASSEMBLY EXPRESSED ITS DEEPEST CONCERN ABOUT
REPORTED CONSTANT AND FLAGRANT VIOLATIONS OF BASIC HUMAN
RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, AND URGED THE
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AUTHORITIES IN THAT COUNTRY TO TAKE ALL NECESSARY STEPS

TO RESTORE AND SAFEGUARD THEM,

TAKING NOTE THAT THE EIGHTEENTH SESSION OF THE GENERAL ASSEMBLY OF UNESCO, THE SIXTIETH SESSION OF THE GENERAL CONFERENCE OF THE ILO, THE WORLD CONFERENCE OF THE INTERNATIONAL WOMEN'S YEAR AND THE TWENTY-EIGHTH SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES CALLED FOR THE CESSATION OF VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE,

NOTING THAT IN ITS RESOLUTION 8 (XXXI) OF 27 FEBRUARY 1975, THE COMMISSION ON HUMAN RIGHTS, AFTER EXPRESSING ITS SERIOUS CONCERN ABOUT THE CONTINUING REPORTS OF VIOLATIONS OF HUMAN RIGHTS IN CHILE, DECIDED TO ESTABLISH AN AD HOC WORKING GROUP TO INQUIRE INTO THE PRESENT SITUATION OF HUMAN RIGHTS IN SAID COUNTRY ON THE BASIS OF ALL AVAILABLE EVIDENCE INCLUDING A VISIT TO CHILE, AND APPEALED TO THE AUTHORITIES OF CHILE TO EXTEND ITS FULL CO-OPERATION TO THE GROUP,

HAVING CONSIDERED THE REPORT OF THE SECRETARY-GENERAL UNDER RESOLUTION 3219 (XXIX) AND IN PARTICULAR THE PROGRESS REPORT SUBMITTED BY THE AD HOC WORKING GROUP ESTABLISHED BY THE COMMISSION ON HUMAN RIGHTS,

CONVINCED THAT THE PROGRESS REPORT CONTAINS EVIDENCE ON WHICH TO CONCLUDE THAT FLAGRANT AND CONSTANT VIOLATIONS OF BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE TAKEN PLACE AND CONTINUE TO TAKE PLACE IN CHILE,

EXPRESSING ITS APPRECIATION TO THE CHAIRMAN AND MEMBERS OF THE AD HOC WORKING GROUP FOR THEIR REPORT WHICH HAS BEEN PREPARED IN A COMMENDABLE MANNER, NOTWITHSTANDING THE REFUSAL OF THE CHILEAN AUTHORITIES TO PERMIT THE GROUP TO VISIT THE COUNTRY,

REAFFIRMING ITS CONDEMNATION OF ALL FORMS OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT,

1. EXPRESSES ITS PROFOUND DISTRESS AT THE CONSTANT, FLAGRANT VIOLATIONS OF HUMAN RIGHTS, INCLUDING THE INSTITUTIONALIZED PRACTICE OF TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, ARBITRARY ARREST, DETENTION AND EXILE, TO WHICH THE PROGRESS REPORT BRINGS ADDITIONAL EVIDENCE, WHICH HAVE TAKEN PLACE AND, ACCORDING TO EXISTING EVIDENCE, CONTINUE TO TAKE PLACE IN CHILE;

2. CALLS ON THE CHILEAN AUTHORITIES TO TAKE, WITHOUT DELAY, ALL NECESSARY MEASURES TO RESTORE AND SAFEGUARD BASIC HUMAN

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RIGHTS AND FUNDAMENTAL FREEDOMS, AND FULLY TO RESPECT THE PROVISIONS OF THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY AND TO THIS END TO ENSURE THAT:

(A) THE STATE OF SIEGE OR EMERGENCY IS NOT USED FOR THE PURPOSE OF VIOLATING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, CONTRARY TO ARTICLE 4 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS;

(B) ADEQUATE MEASURES ARE TAKEN TO END THE INSTITUTIONALIZED

PRACTICE OF TORTURE AND OTHER FORMS OF CRUEL INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT IN FULL RESPECT OF ARTICLE 7 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS;
(C) THE RIGHTS OF ALL PERSONS TO LIBERTY AND SECURITY OF PERSON, IN PARTICULAR THOSE WHO HAVE BEEN DETAINED WITHOUT CHARGE OR IN PRISON SOLELY FOR POLITICAL REASONS, AS PROVIDED FOR IN ARTICLE 9 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS ARE FULLY GUARANTEED AND STEPS ARE TAKEN TO CLARIFY THE STATUS OF THOSE INDIVIDUALS WHO ARE NOT ACCOUNTED FOR;
(D) NO ONE SHALL BE HELD GUILTY OF ANY CRIMINAL OFFENCE ON ACCOUNT OF ANY ACT OR OMISSION WHICH DID NOT CONSTITUTE A CRIMINAL OFFENCE UNDER NATIONAL OR INTERNATIONAL LAW AT THE TIME WHEN IT WAS COMMITTED, CONTRARY TO ARTICLE 15 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS;
(E) NO ONE, IN ACCORDANCE WITH ARTICLE 15 (2) OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS SHALL BE ARBITRARILY DEPRIVED OF CHILEAN NATIONALITY;
(F) THE RIGHT TO FREEDOM OF ASSOCIATION, INCLUDING THE RIGHT TO FORM AND JOIN TRADE UNIONS SHALL BE RESPECTED IN ACCORDANCE WITH ARTICLE 22 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS;
(G) THE RIGHT TO INTELLECTUAL FREEDOMS AS PROVIDED FOR IN ARTICLE 19 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS SHALL BE GUARANTEED;

3. DEPLORES THE REFUSAL OF THE CHILEAN AUTHORITIES TO ALLOW THE AD HOC WORKING GROUP OF THE COMMISSION ON HUMAN RIGHTS TO VISIT THE COUNTRY, NOTWITHSTANDING PREVIOUS SOLEMN ASSURANCES GIVEN BY THEM IN THIS REGARD AND URGES THEM TO HONOUR THESE ASSURANCES;

4. INVITES THE COMMISSION ON HUMAN RIGHTS TO EXTEND THE MANDATE OF THE AD HOC WORKING GROUP AS PRESENTLY CONSTITUTED, ESTABLISHED UNDER RESOLUTION 8 (XXXI), TO ENABLE IT TO REPORT TO THE GENERAL ASSEMBLY AT ITS THIRTY-FIRST SESSION AND TO THE COMMISSION
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ON HUMAN RIGHTS AT ITS THIRTY-THIRD SESSION ON THE SITUATION ON HUMAN RIGHTS IN CHILE AND IN PARTICULAR ANY DEVELOPMENTS WHICH OCCUR TO RE-ESTABLISH RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS:

5. REQUESTS THE PRESIDENT OF THE THIRTIETH SESSION OF THE GENERAL ASSEMBLY AND THE SECRETARY-GENERAL OF THE UNITED NATIONS TO ASSIST IN ANY WAY THEY MAY DEEM APPROPRIATE IN THE RE-ESTABLISHMENT OF BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE. UNQTE MOYNIHAN UNQTE KISSENGER

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